



| CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) | | | Docket No. | |
|--|---------------------------|------------------------|------------------------|--|
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| Application No. 09/871,078 | Filing Date 05/31/2001 | Examiner Tawfik, S. | Group Art Unit 3721 | |
| Invention: METHOD AND APPARATUS FOR ASEPTIC PACKAGING | | | | |
| <p>I hereby certify that this _____ Response to Restriction (2 pages) _____ (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>)</p> <p>on <u>October 6, 2004</u> (Date)</p> <p style="text-align: right;"><u>Melody A. McCormick</u> (Typed or Printed Name of Person Signing Certificate)</p> <p style="text-align: right;"> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p> | | | | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas D. Taggart

Examiner: Tawfik, S.

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Serial No.: 09/871,078

Art Unit: 3721

OCT 06 2004

Filed: 05/31/2001

Docket No.: STEU-3250

For: METHOD AND APPARATUS FOR ASEPTIC PACKAGING

Honorable Commissioner For Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Attn.: Box Non-Fee Amendments
Arlington, VA 22202

Response to Restriction Requirement

Sir:

In response to the Restriction Requirement dated September 28, 2004, Applicant strongly disagrees to the appropriateness of this Restriction Requirement. On January 10, 2002 the Examiner issued a Restriction Requirement which is inconsistent with the current Restriction Requirement. In particular, on January 10, 2002, the Examiner required restriction between Group I, Claims, 20 and 22, drawn to method and apparatus for automatically aseptically bottling, classified in class 53, subclass 426; and Group II, Claims 23-34, drawn to an aseptic processing apparatus for aseptically bottling, classified in class 53, subclass 79.

It is unclear why the Examiner has now decided to reclassify Claim 22 from class 53, subclass 426 to class 53, subclass 79. Applicant respectfully requests withdrawal of the Restriction Requirement or a clear explanation on record as to why a January 10, 2002 Restriction Requirement is inconsistent with the current Restriction Requirement. Furthermore, it does not appear that the Examiner has a serious burden since the Examiner has been examining two inventions for the past two years without presenting a restriction until this time. For

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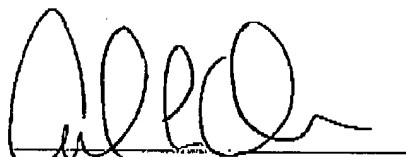
consistency of the record Applicant requests that the restriction be withdrawn.

In response to the Restriction Requirement dated September 28, 2004, Applicant hereby provisionally elects Group I, claims 20, 35-39, 42, 41-47, 63, 67-73. This election is made with traverse.

With regard to the Restriction Requirement, Applicant respectfully submits that the subject matter of all claims 20, 22, 35-39, 41-51, 53-64 and 67-73 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicant respectfully submits that the search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits" (emphasis added). Applicant respectfully submits that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Should the Examiner require or request anything further from Applicant prior to examination, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below. Otherwise, Applicant requests early and favorable examination on the merits.

Dated: 10/6/2004



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